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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,394	01/26/2001	Bradley M. Wilkinson	P-3914F1P1P2P1R1	6920

26253 7590 01/18/2007  
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FRANKLIN LAKES, NJ 07417-1880

EXAMINER
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THALER, MICHAEL H

ART UNIT	PAPER NUMBER
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3731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/771,394

Applicant(s)

WILKINSON ET AL.

Examiner

Michael Thaler

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38, 41-53 and 67-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-38, 41-44, 51-53 and 67-77 is/are allowed.
- 6) ☒ Claim(s) 45-50 and 78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3731

The indicated allowability of claims 45-50 and 78 is withdrawn in view of the newly discovered reference(s) to Eaton et al. (2,552,945). Rejections based on the newly cited reference(s) follow.

Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 2, there is no antecedent basis for "the beam".

Claims 45-50 and 78 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Eaton et al. (2,552,945). Eaton et al. disclose blade holder 12, blade 15, shield 2, means 18 releasably mounting the blade holder 12 to a handle 19 (Stud 18 is inherently removable from bore 17 because head 22 of stud 18 can be grasped by a pliers, for example, and pulled out of the bore 17 to release blade holder 12 from handle 19. Note that nothing other than friction is disclosed to maintain stud 18 in bore 17. Member 19 is a handle since it is grasped by the hand.), and means to prevent dismounting the blade holder 12 from a handle 19 unless the shield is in the distal position (The head 22 of stud 18 cannot be grasped by a pliers or similar instrument when the shield is in the proximal position shown in figure 1 since

Art Unit: 3731

the proximal portion of shield 2 covers head 22. Only when the shield 2 is in the distal position shown in figures 2 and 3 is the head 22 of stud 18 accessible to a removing instrument such as a pliers.). Alternatively, assuming *arguendo* that stud 18 is not removable from bore 17, it is old and well known in this art to make fastening means such as pins and studs removable from instruments in order to obtain the advantage of enabling the instrument to be disassembled. It would have been obvious to make stud 18 of Eaton et al. removable from bore 17 so that it too would have this advantage. As to claim 50, the Eaton et al. shield 2 includes a surface with a discrete surface configuration (i.e. the tapered end portion 5) that facilitates gripping. As to claims 46 and 47, Eaton et al. disclose beam 12 with pocket or recess 17. Recess 17 is in a medial portion of blade holder 12 since it is located at the center portion of the blade holder 12 as viewed in cross section.

Claims 1-38, 41-44, 51-53 and 67-77 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571) 272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can

Art Unit: 3731

be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

mht

A handwritten signature in black ink, appearing to read 'Michael Thaler', with a stylized flourish at the end.

MICHAEL THALER  
PRIMARY EXAMINER  
ART UNIT 3731